

VIRGINIA DEPARTMENT OF MINES,  
MINERALS AND ENERGY  
DIVISION OF MINERAL MINING

**Public Comment and Hearing  
Opportunities Concerning Mineral  
Mining Activities Under the Virginia  
Minerals Other Than Coal Surface  
Mining Law and Regulations**

INTRODUCTION

The purpose of this brochure is to provide information regarding public comment and hearing opportunities available to the public concerning new applications for mineral mining permits. Mineral mines may be rock quarries, open pit mines, dredging operations, or underground mines which extract a variety of minerals, not including coal. Mineral mining permits are issued by the Department of Mines, Minerals and Energy's Division of Mineral Mining (DMM) under the Virginia Minerals Other Than Coal Surface Mining Law and Regulations.

Public comment periods and public hearings give adjacent property owners an opportunity to voice their concerns or objections about proposed mining operations. Public notification of a permit application to conduct mining operations and the public comment and hearing opportunities that may follow are described below.

PUBLIC NOTIFICATION REQUIREMENTS

The applicant for a mineral mining permit is required to notify adjacent property owners within 1000 feet of the proposed permit boundary. These property owners have 10 days from receipt of notification to file written objections with the DMM Director and/or request a public hearing concerning the proposed mining operation. The notice is required for initial or new applications only. No new notice is required for renewal applications or for the addition of acreage to existing permits.

PUBLIC HEARING PROCESS

The public hearing is an informal "information gathering" forum. The hearing procedure is addressed in Virginia's Administrative Process Act (APA Section 9-6.14:11). The purpose of the hearing is to:

- Give adjacent landowners and the applicant a forum in which to publicly address any objections or concerns regarding the proposed mining operation.
- Set up an appeal process for any party aggrieved by the decision of the DMM to either issue or deny the permit.

The hearing will be conducted by a hearings officer and held in the general vicinity of the proposed mining operation. Persons attending the hearing may present written and/or oral comments, and photographs or other evidence. The hearing will be recorded.

The hearing is not an adversarial proceeding. Cross-examination is not permitted as the hearing is only informational or fact-finding in nature. Questions will be addressed to the hearings officer, who will determine what procedure is best for answering the questions. Due to time constraints, it may not be possible to respond to all questions or concerns at the hearing. However, all issues raised will be addressed in the hearings officer's written recommendation.

Within 30 days after the close of the hearing, the hearings officer will make a written recommendation to the Director of DMM to either issue the permit, deny the permit, or require the operator to supply additional information to be evaluated prior to making the final permit decision. Each person that requested the public hearing and the permit applicant will be provided with a copy of the hearings officer's recommendation. Other hearing participants may also request a copy of the recommendation.

Based on the recommendation and any additional information provided pursuant to the hearing, the Director of DMM will either issue or deny the permit.

### ADMINISTRATIVE APPEALS

The issuance of the permit, or the decision to deny the permit application, represents DMM's final order or case decision and as such may be appealed to civil court in the city or county where the mine is to be located. If the final order is appealed, the rules controlling such an appeal are found at Rule 2A, Rules of The Supreme Court of Virginia and Article 4, Court Review, of the Administrative Process Act. Parties with a right to appeal the final order have 30 days from the date of the issuance of the permit to file a notice of appeal under the referenced Rules. You must file a notice of appeal to begin the process. If you receive this notice of final order by mail, three days are added to the 30-day requirement.

### DMM AUTHORITY

Through its administration of the Minerals Other Than Coal Surface Mining Law and Regulations, the Division of Mineral Mining provides for the safe and environmentally sound exploration and production of Virginia's non-fuel minerals. This is accomplished through the

permitting process and regular mine inspections that address such areas as:

- Method of Operation
- Mine Map
- Mine Road Maintenance
- Construction Activities
- Screening of the Mine Operation
- Grading and Seeding
- Citizen and Worker Complaints
- Erosion and Sediment Control
- Operator Insurance Bond
- Blasting Operations
- Final Reclamation and Stabilization of the Site

Common issues of concern which are not covered under the Mining Law and Regulations are listed below.

- Land-Use; Zoning
- Traffic on Public Roads
- Property Value
- Hours of Operation
- Life of the Mining Operation

Please direct any questions to DMM's office in Charlottesville.

## PUBLIC HEARINGS INFORMATIONAL BROCHURE



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